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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,568	06/26/2001	William A. Sobonya	M 6817 MANCO	1960

7590 01/29/2003
Stephen D. Harper
Law Department
2500 Renaissance Blvd., Suite 200
Gulph Mills, PA 19406

EXAMINER

RUDDOCK, ULA CORINNA

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 01/29/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/891,568

Applicant(s)

SOBONYA ET AL.

Examiner

Ula C Ruddock

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 19 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. The Examiner has carefully considered Applicant's arguments and accompanying remarks filed November 19, 2002. All rejections have been overcome. However, a further search was done and new primary reference has been cited.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 7, 9-12, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawley (US 5,854,144) in view of Owen (US 5,863,845 and 5,874,371). It should be noted that the Examiner will be interpreting a "continuous coating of foamed resin" as defined on page 4, lines 12-14 of the specification, i.e. a coating which does not contain pores which extend from a first surface to an opposite second surface through the foamed resin. Hawley discloses a cushioned liner laminate having a smooth top and a continuous non-slip foam bottom (abstract). With regard to claim 2, the foam material is a polyurethane foam (col 3, ln 16-17). The foam material has no apertures through its entire depth (claim 9), which the Examiner is equating to Applicant's continuous coating of a foamed resin. The foam material is carried by a polyester nonwoven spunbond fabric (col 3, ln 1-2), as claim 15 requires that the fabric have spun strands. With regard to claims 7 and 14, the total sheet thickness of Hawley's composite is approximately

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.048 inches or 48 mils (claims 2 and 7). With regard to claim 9, the composite has a smooth surface top sheet layer (col 2, ln 28-30). With regard to claim 10, because the sheet can be used to line drawers (col 1, ln 12-14), the surface would inherently be horizontal. Hawley discloses the claimed invention except for the teaching that a woven or non-woven scrim is embedded in the foamed resin.

Owen discloses a non-skid covering (abstract) comprising a cured polyvinyl chloride resin (col 2, ln 23-25) applied to a woven or non-woven scrim (col 2, ln 5-7) of plastic material, i.e. synthetic. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the plastic woven or non-woven scrim of Owen in place of Hawley's fabric, motivated by the desire to obtain a laminate with increased strength and durability.

4. Claims 6, 8, 13, and 16 are rejected under 35. U.S.C. 103 (a) as being unpatentable over Hawley (US 5,854,144) and Owen (US 5,863,845 and 5,874,371), as applied to claims 1-5 above, and further in view of McDermott, III et al. (US 5,120,587). Hawley and Owen disclose the claimed invention except for the teaching that the foamed resin is a foamed polyvinyl chloride plastisol and that the sheet product has a thickness of from about 55 to 100 mils.

With regard to claims 6 and 13, it should be noted that, by definition, a plastisol is "a substance consisting of a mixture of a resin and a plasticizer that can be molded, cast, or made into a continuous film by application of heat." (*Merriam Webster's Collegiate Dictionary*, 10th Edition). McDermott, III et al. (US 5,120,587) disclose a support binder in the form of a scrim in which foam material surrounds the openings of the scrim (abstract). The foam material preferably comprises a mixture of polyvinyl chloride (PVC) and a plasticizer (col 6, ln 65-67). As a result,

McDermott's foamed mixture of PVC and plasticizer is a foamed polyvinyl chloride plastisol, as disclosed in the present invention. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have used McDermott's foamed polyvinyl chloride plastisol as the foamed resin of Hawley and Owen, motivated by the desire to obtain a liner with flexibility and strength.

With regard to claim 8, it should be noted that optimizing the thickness of the composite is a result effective variable. Increasing the thickness of the composite directly affects the strength of the entire composite. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the thickness of Hawley's and Owen's composite sheet be from about 55 to about 100 mils, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F. 2d 272, 205 USPQ 215 (CCPA 1980). In the present invention, one would have optimized the composite thickness motivated by the desire to obtain a composite with increased strength and durability.

With regard to claim 16, the combination of Hawley, Owen, and McDermott, III et al., disclose a foamed polyvinyl chloride, a woven polyester scrim, and that the sheet has a thickness of from about 45 to 150 mils.

Response to Arguments

6. Applicant's arguments, filed November 19, 2002, are moot in view of the new ground(s) of rejection.

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Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ula C. Ruddock whose telephone number is (703) 305-0066. The Examiner can normally be reached Monday through Thursday from 7:30 AM to 6 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor Terrel Morris can be reached at (703) 308-2414.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-2351.

UCR
Ula C. Ruddock
Patent Examiner
Art Unit 1771
1/27/03